

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re POLYURETHANE FOAM ANTITRUST
LITIGATION

This document relates to:

ALL CASES

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) MDL Docket No. 2196
) Index No. 10-MD-2196 (JZ)
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**DEFENDANTS' MOTION REGARDING PAGE LIMITATIONS
FOR BRIEFING ASSOCIATED WITH MOTIONS TO DISMISS THE DIRECT
PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED COMPLAINT**

The Direct Purchaser Plaintiffs' Consolidated Amended Complaint ("CAC") names 26 different Defendants and approximately 14 Defendant "families."¹ Under the Initial Case Management Conference Order ("CMO") (Dkt. #17) and Local Rule 7.1(f), "memoranda [relating to dispositive motions] shall not exceed thirty (30) pages for complex cases." Being mindful of the Court's desire not to have duplicative briefing and in an effort not to overburden the Court with unnecessary papers, Defendants Carpenter Co. (sued as "The Carpenter Company"), E.R. Carpenter, L.P., Carpenter Holdings, Inc., Domfoam International, Inc., Valle Foam Industries (1995), Inc., Flexible Foam Products, Inc., Ohio Decorative Products, Inc., FXI – Foamex Innovations, Inc., Future Foam, Inc., Hickory Springs Manufacturing Company, Inoac USA Inc., Crest Foam Industries, Inc., Leggett & Platt, Incorporated, Mohawk Industries, Inc., Otto Bock Polyurethane Technologies, Inc., Plastomer Corporation, Vitafoam Products Canada Limited, Vitafoam, Inc., Woodbridge Foam Corporation, Woodbridge Sales and Engineering,

¹ Defendant Scottdel is in Receivership, and Defendant Individuals Louis Carson and David Carson have not participated in these discussions.

Inc., and Woodbridge Foam Fabricating, Inc. (“Defendants”) have coordinated on a “joint issues” brief in support of Motions to Dismiss the CAC, thereby making it possible for Defendants to address issues unique to specific individual Defendant “families” in significantly streamlined and shortened individual briefs.

Because the “Joint Brief” exceeds the 30 page limitation set forth by the Local Rules and the CMO and the mechanism of filing a coordinated joint brief addressing common issues supplemented by short, individual briefs on Defendant-specific issues differs from the briefing procedures established by the Local Rules and CMO, for purposes of briefing the Motions to Dismiss the CAC, Defendants move the Court for amendment of the CMO as follows:

Defendants shall have up to 45 pages for a “common issues” brief in support of their Motions to Dismiss and an additional 130 pages total for individual briefs (roughly 9 pages per Defendant family) to be allocated as Defendants may agree.

The Direct Purchaser Plaintiffs shall have up to 65 pages to oppose the joint brief and a total of 150 pages to oppose Defendants’ individual briefs.

Defendants shall have up to 20 pages to file a joint reply to the Direct Purchaser Plaintiffs’ opposition to the common issues brief, and may also file individual reply briefs not to exceed 7 pages per Defendant family.

Defendants have conferred with Lead Counsel for the Direct Purchaser Plaintiffs as to these proposed limitations and they have no objection if the proposal pleases the Court. Defendants therefore respectfully request an amendment to the CMO as described.

April 11, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the forgoing was served on April 11, 2011 via the Court's CM/ECF system.

/s/ Bethany G. Lukitsch